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2
3 BILL NO. G-95-04-16

4 GENERAL ORDINANCE NO. G-04-97

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
7 Plan by vacating an alley thereof.

8 WHEREAS, a petition to vacate an alley within the City of Fort Wayne (as more
9 specifically described below) was duly filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing thereon; and

11 WHEREAS, said Commission has duly forwarded its recommendation to this body
12 approving said petition, and this body having held a public hearing on said vacation as
13 provided in I.C. 36-7-3-12; and

14 WHEREAS, this body concurs in the recommendation of the City Planning
15 Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
17 CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate an alley within the City of Fort
19 Wayne, more specifically described as follows, to-wit:

20 A ten (10) foot alley between Figel Avenue and Northrop Street, parallel to and
21 adjacent to Lots Numbered 3, 4, 5, 7, 8 and 19 in Figel's Addition to the City of
22 Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder
23 of Allen County, Indiana.

24 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master")
25 Plan and is hereby approved in all respects.

26 SECTION 2. That this Ordinance shall be in full force and effect from and after
27 its passage, any and all necessary approval by the Mayor.

28 C. R. Edmonds
COUNCILMEMBER

29 APPROVED AS TO FORM AND LEGALITY:

30 J. Timothy McCauley
31 J. TIMOTHY MCCAULAY, CITY ATTORNEY
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** Public hearing to be held on Tuesday
the 8th day of April, 1995,
in the Council Chambers.


Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of _____
19_____, at _____ o'clock
M., E.S.T.

DATED: 4-25-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the Committee on _____,
(and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19_____, at _____
o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst,
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 4-8-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,

as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____
(ZONING) _____ ORDINANCE _____ RESOLUTION NO. B-04-97
on the 8th day of April, 19 97

ATTEST: Sandra E. Kennedy SEAL Thomas P. Helmke
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
9th day of April, 19 97,
at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day
of April, 19 97, at the hour of 7:30
o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 14966

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 3/16 1995

RECEIVED FROM Shambhanga et al \$ 200.00
 THE SUM OF two hundred & 00/100 DOLLARS
 ON ACCOUNT OF _____

4194

Alley V. V. V.
pat

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat ☐ Easement ☒ Public Right-of-Way (street or alley)

More particularly described as follows:

A ten foot alley between Figel Avenue and Northrop Street, parallel to and adjacent to Lots Numbered 3, 4, 5, 7, 8 and 19 of Figel's Addition to the City of Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder of Allen County, Indiana.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

The petitioners are the only owners of real estate bordering both sides of the alley. The alley is not necessary as ingress and egress to other properties. The petitioners currently conduct business on both sides of the alley and potential for through traffic on the alley creates a safety hazard.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): William Robert Bowser, Jr.

Street Address: 1715 Papermill Crossing

City: Fort Wayne State: IN Zip: 46825 Phone: 483-2077 (see attached)

(If additional space is needed please attach a separate page)

Applicants Name (if different from above):

Street Address:

City: State: Zip: Phone:

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Signature

Printed Name

Date

1715 Papermill Crossing

Address

Fort Wayne, IN 46825

City/state/zip

Signature

Printed Name

Date

Dan T. and Cheryl A. Gratz

3324 Northrop

Address

Fort Wayne, IN 46805

City/state/zip

ADDITIONAL PROPERTY OWNER

Dan T. and Cheryl A. Gratz
3324 Northrop
Fort Wayne, IN 46805

RESOLUTION

WHEREAS, WILLIAM R BOWSER, JR and DAN T & CHERYL A GRATZ have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

A ten (10) foot alley between Figel Avenue and Northrop Street, parallel to and adjacent to Lots Numbered 3, 4, 5, 7, 8 and 19 in Figel's Addition to the City of Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated ***** or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held MARCH 5, 1997 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 5 DAY OF MARCH 1997

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Linda Buskirk
Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

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A ten (10) foot alley between Figel Avenue and Northrop Street, parallel to and adjacent to Lots Numbered 3, 4, 5, 7, 8 and 19 in Figel's Addition to the City of Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on April 17, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 24, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 12th DAY OF March, 1997

FORT WAYNE CITY PLAN COMMISSION

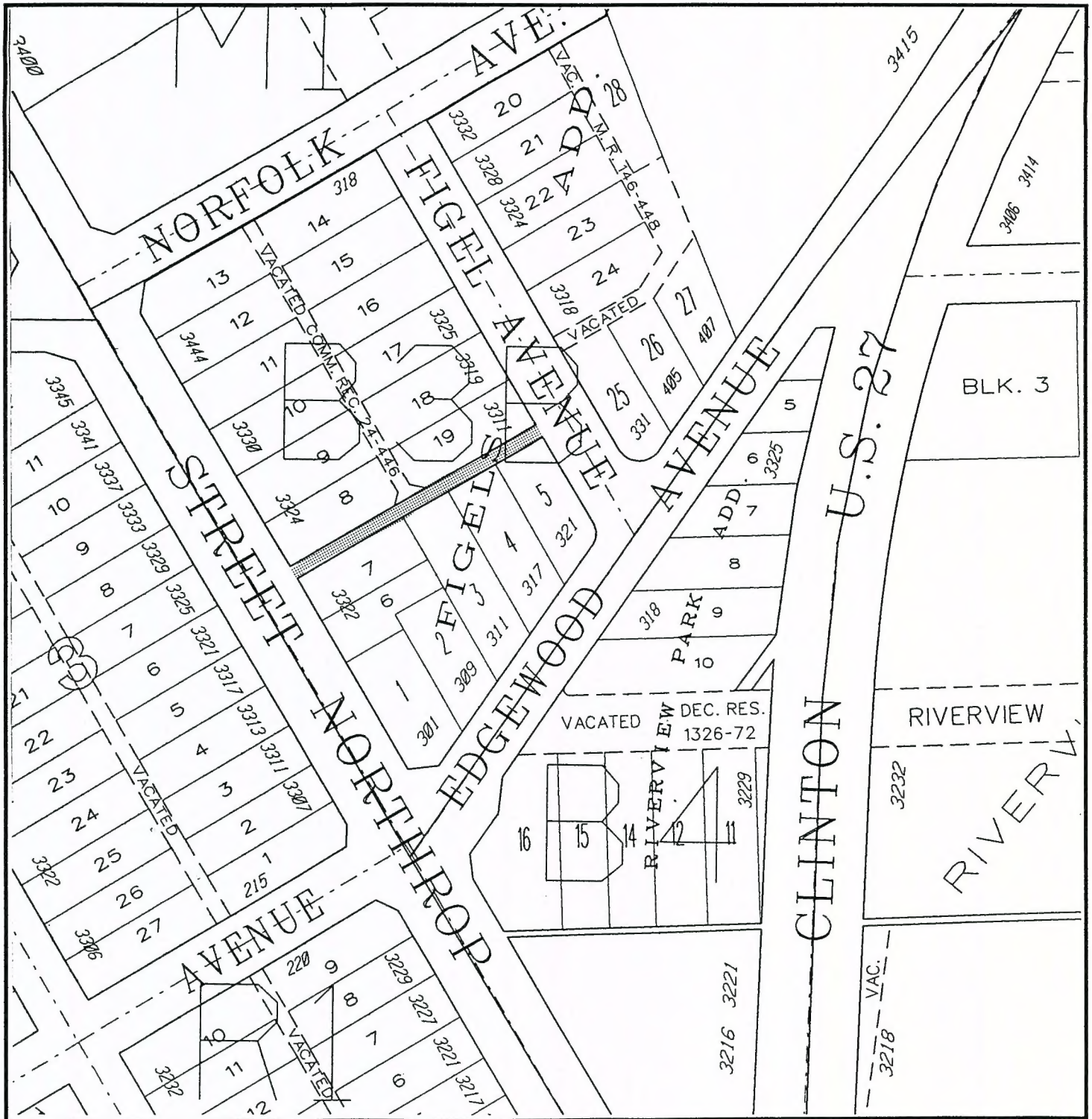


Carol Kettler Sharp
Secretary

VACATION PETITION

AREA MAP

CASE NO. #579



COUNCILMANIC DISTRICT NO. 3

Map No. M - 22

LW 3-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

From the desk of:
Pat Biancaniello

3-19-97

AGENT:

Don Gratz
3324 Northrop St
City 05

FACT SHEET

G-95-04-16

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

DETAILS

Specific Location and/or Address

A 10 foot wide alley lying between Northrup Street and Figel Avenue.

Reason for Project

The petitioners state that they currently conduct business on both sides of the alley and that the "potential for through traffic creates a safety hazard".

Discussion (Including relationship to other Council actions)

17 April 1995 - Public Hearing

Dan Serban, attorney for the petitioners, appeared before the Commission. He stated that the petition was straight forward. He stated that there is an alley between Figel and Northrop and there are only two property owners on either side of the alley. He stated that both parties have joined in the petition to vacate. He stated that there is no need for any access through this alley.

Dave Ross asked if there were any driveways that access into this alley.

Mr. Serban stated the only parties that have drives onto this alley are the two adjacent property owners that have petitioned for the vacation.

Mel Smith questioned if there were any easements being requested by the utilities.

Wayne O'Brien, staff planner with C&ED, stated that there are utilities requesting easements.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Dan Gratz / 3324 Northrop St

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS

(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

Mr. Serban stated that they were willing to accommodate any utility who requires easements.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

24 April 1995 - Business Meeting

Motion was made and seconded to return the Common Council with a DO PASS recommendation, contingent upon the petitioners providing utility easements or relocations as needed.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 16 March 1995

Projected Completion or Occupancy Date 12 March 1997

Fact Sheet Prepared by Patricia Biancaniello Date 12 March 1997

Reviewed by  Date 12 March 1997

Reference or Case Number

#579

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 10 foot wide alley between Figel Avenue and Northrop Street, adjacent to Lots 2 through 8 and Lot 19 in Figel's Addition.

G-95-04-16

EFFECT OF PASSAGE Property is currently dedicated right-of-way. Property will be vacated and revert to the ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-95-04-16

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO
WHOM WAS REFERRED AN (ORDINANCE) (~~XXXXXXXXXXXX~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXXXX~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~XXXXXXXXXXXX~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas E. Hayhurst

Martin A. B...

Philip J. ...

John E. ...

Rebecca J. Ravine

John ...

DATED: *4-8-97.*

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 26, 1997

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 29, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-04-16
Vacating an alley

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 27, 1997

Don Gratz
3324 Northrop Street
Fort Wayne, Indiana 46805

NOTICE OF PUBLIC HEARING ON BILL NO. G-95-04-16

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, April 8, 1997, at 5:30 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following

A 10 foot wide alley lying between Northrop Street and Figel Avenue, parallel to and adjacent to Lots Numbered 3, 4, 5, 7, 8 and 19 in Figel's Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-04-16)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, APRIL 8, 1997, AT 5:30 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10 Foot wide alley lying between Northrop
Street and Figel Avenue

A ten (10) foot alley between Figel Avenue and Northrop Street, parallel to and adjacent to Lots Numbered 3,4,5, 7, 8 and 19 in Figel's Addition to the City of Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder of Allen County, Indiana

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219)427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

40 lines, 1 columns wide equals 40 equivalent lines
at .364 cents per line \$ 14.56

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 15.56

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: MARCH 29, 19 97 Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-04-16)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, APRIL 8, 1997, AT 3:00 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10 Foot wide alley lying between Northrop Street and Figel Avenue

ten (10) foot alley between Figel Avenue and Northrop Street, parallel to and adjacent to Lots numbered 3, 4, 5, 7, 8 and 19 in Figel's Addition to the city of Fort Wayne, according to the plat thereof, recorded in the Office of the Recorder of Allen County, Indiana.

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SANDRA E. KENNEDY
CITY CLERK
389302

State of Indiana)
) ss:
Allen County)

personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

3-29-97

Julie L Smith

Subscribed and sworn to before me this 29th day of MARCH, 19 97.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

PUBLISHER'S CLAIM

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(50 percent of above amount)

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SANDRA E. KENNEDY
CITY CLERK
389302

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

3-29-97

Julie L Smith

scribed and sworn to before me this 29th day of MARCH, 19 97.

Mary L Schneider
Notary Public
MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997